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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/647,147	10/08/2012	Peter R. Wurman	080663.0249	4885

136595 7590 02/02/2017
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EXAMINER

JABR, FADEY S

ART UNIT	PAPER NUMBER
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3668

NOTIFICATION DATE	DELIVERY MODE
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02/02/2017

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AMAZON TECHNOLOGIES, INC.¹

Appeal 2015-002310
Application 13/647,147
Technology Center 3600

Before: CHARLES N. GREENHUT, JILL D. HILL, and
GORDON D. KINDER, *Administrative Patent Judges*.

GREENHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1–
28. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Peter R. Wurman and Michael C. Mountz are named as inventors.

CLAIMED SUBJECT MATTER

The claims are directed to a system for replenishing a retail facility.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

A system comprising:

- a plurality of storage shelves at a retail facility, a storage shelf operable to store a plurality of replenishment inventory items;

- a plurality of display shelves at the retail facility, a display shelf operable to receive one or more replenishment inventory items from a storage shelf;

- a management module configured to:

- determine to replenish a display shelf with an inventory item stored by a storage shelf; and

- coordinate movement of a plurality of mobile drive units to replenish the display shelf with the inventory item at an inventory restocking station;

- a first mobile drive unit configured to receive first instructions from the management module to transport the display shelf to the inventory restocking station; and

- a second mobile drive unit configured to receive second instructions from the management module to transport the storage shelf to the inventory restocking station;

wherein the display shelf receives the inventory item at the inventory restocking station.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Bonneton	US 4,678,390	July 7, 1987
Zimmerman	US 7,693,757 B2	Apr. 6, 2010

REJECTION²

Claims 1–24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmerman and Bonneton.

OPINION

Appellants’ position regarding the prior art cited by the Examiner is succinctly stated: “[T]here is no disclosure of transporting the racks of *Bonneton anywhere*, let alone *to an inventory restocking station* by a mobile drive unit.” Reply Br. 3; *see also* Appeal Br. 16–17, 20–21. In the Examiner’s Answer the Examiner essentially reiterates the rejection without addressing the specific shortcoming identified by Appellants. *See* Ans. 3–9. The Examiner does not identify specifically what elements of Bonneton are regarded as the transported display and storage shelves or the inventory restocking station of independent claim 1. Independent claims 5 and 18 contain similar limitations. Such structures and actions are not apparent in the portion of Bonneton cited by the Examiner. *See* Ans. 5 (citing Bonneton Fig 1; col 5, l. 64–col 6, l. 68; col 7, ll. 1–6; col 14, ll. 32–53). Even if an inboard store structure 10 of Bonneton’s self-powered trucks 5 is regarded as the recited “storage shelf” subject to “transport,” Bonneton does not appear to have a “drive unit configured to receive [] instructions from the management module to transport the display shelf,” identified by the Examiner as modular racks 2, in particular “to [an] inventory restocking station.” Instead, inventory is brought to the modular racks 2 to replenish them. Bonneton col. 6, l. 4–col. 7, l. 6; Appeal Br. 20–21. All words in a

² To the extent the Examiner set forth a decision regarding 35 U.S.C. § 112, sixth paragraph, that may have been subject to our review, the Examiner has withdrawn that decision. Ans. 2; *see* Appeal Br. 17

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claim must be considered in judging the obviousness of the claimed subject matter. *See In re Wilson*, 424 F.2d 1382, 1385. As the combination relied upon by the Examiner fails to meet the limitations of any of the independent claims before us, the Examiner's rejection cannot be sustained.

DECISION

The Examiner's rejection is reversed.

REVERSED